

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

CHADWICK AARON LOWE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 1:22 CV 56 ACL
	)	
KILOLO KIJAKAZI,	)	
Acting Commissioner of Social Security,	)	
	)	
	)	
Defendant.	)	

MEMORANDUM AND ORDER

This is an action under 42 U.S.C. § 405(g) for judicial review of Defendant’s final decision denying Plaintiff’s application for benefits under the Social Security Act. Currently pending is Defendant’s Motion for Remand. (Doc. 11.)

In her motion, Defendant requests that the Court remand the decision of the administrative law judge (“ALJ”) pursuant to sentence four of 42 U.S.C. § 405(g). Defendant states that, after careful review of the above-captioned case, agency counsel determined that remand was necessary for further evaluation of Plaintiff’s claim. Defendant indicates that, upon remand, the agency will re-evaluate Plaintiff’s subjective complaints in accord with the appropriate regulations, re-evaluate the opinion evidence in accord with the appropriate regulations, offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record resolving the above issues, and issue a new decision.

Plaintiff has not filed a response to Defendant’s Motion and the time for doing so has expired.

Sentence four of 42 U.S.C. § 405(g) states that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing

- 2 -

the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” In order for the Court to properly remand a case to the Commissioner pursuant to sentence four, the Court must enter an order either affirming, modifying, or reversing the Commissioner’s decision. *See Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

The undersigned believes that it is appropriate to reverse and remand this case in order to permit the Commissioner to take further action as requested in her motion.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant’s Motion to Remand (Doc. 11) is **GRANTED**.

**IT IS FURTHER ORDERED** that the decision of the Commissioner be **reversed** and this cause be **remanded** to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for those reasons set forth in this Memorandum and Order. A separate written Judgment will be entered in favor of the Plaintiff and against the Defendant.



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ABBIE CRITES-LEONI  
UNITED STATES MAGISTRATE JUDGE

Dated this 12<sup>th</sup> day of September, 2022.